Attorney Docket No.: 11KP-122959
PATENT

REMARKS

Claims 1-18 are currently pending in this application. Claims 1-4, 6-9, 12-17 are amended.

Claim Objections

The Office Action objects to the use of "the cell" in claims 1, 7, 13, 16, and dependencies for lack of proper antecedent basis. As per the Office Action's request, "the cell" as used in claims 1, 7, 13, 16, and dependencies has been amended to read "the spreadsheet-based cell."

Rejection Under 35 U.S.C. § 102(e)

Claims 1-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by StatTrak K-ForCE 2.2 from AllPro Sports Software (hereinafter "StatTrak"). Applicant respectfully traverses this rejection.

Claims 1, 13, and Dependencies

Regarding claims 1, 13, and dependencies, (1) amendments to the claims have rendered the rejection moot; and (2) Applicant respectfully traverses the Office Action's definition of "spreadsheet."

The claims have been amended to maintain the value of spreadsheet-based cells between taps.

The Office Action sets forth that StatTrak does not teach tapping a cell whose value is prevented from returning to zero between taps. (Office Action, p. 8.) However, the Office Action also sets forth that the claims do not prevent the value of the cell from returning to zero before the cell is tapped again.

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Accordingly, Applicant has amended the claims to include the limitation: "maintaining the value of the spreadsheet-based cell after each tap until the spreadsheet-based cell is tapped again." In particular, maintaining the value of the spreadsheet-based cell prevents the value of the cell from returning to zero before the cell is tapped again. Therefore, claims 1, 13, and dependencies are patentable over StatTrak because StatTrak fails to teach this limitation.

The proposed definition of "spreadsheet" is too broad.

The Office Action contends that the StatTrak interface, generally, and the five pitch boxes, specifically, are spreadsheets because they "display data in rows and columns on a screen." Respectfully, those of ordinary skill in the art would not define spreadsheet so broadly.

The Office Action takes its spreadsheet definition from *The American Heritage Dictionary of the English Language* (4th Ed., 2004, found at http://dictionary.reference.com/browse/spreadsheet, visited Nov. 5, 2008.) *The American Heritage Dictionary of the English Language* also defines "table" as an arrangement of data in "columns and rows". ("Table", def. 11, 4th Ed., 2004, found at http://dictionary.reference.com/browse/table, visited Nov. 5, 2008.) However, to those of ordinary skill in the art, "table" and "spreadsheet" are not synonymous. This is reflected by other definitions of "spreadsheet" on the Office Action's cited web-page (*see e.g.*, "Spreadsheet", *Wallstreet Words*; "spreadsheet", *Free On-line Dictionary of Computing*; "electronic spreadsheet", *Dictionary.com Unabridged; all available at* http://dictionary.reference.com/browse/spreadsheet, last visited Oct. 30, 2008). These definitions all encompass the idea that a spreadsheet is more than just a display of data in rows and columns on a screen. Additionally, these definitions are consistent with Applicant's use of the term,

"spreadsheet," in the original specification. As used in the specification and understood by those of ordinary skill in the art, a spreadsheet is a matrix comprising cells. (*See, e.g., Id.*; Application ¶¶ 2, 17) The cells of a spreadsheet allow for the mathematical manipulation of data contained in the spreadsheet. Although the cells display data, they are also configured to display the results of formulae contained in the cells. Moreover, the cells of a spreadsheet may have references which allow these formulae to reference other cells.

The StatTrak interface, generally, and the five pitch boxes, specifically, clearly do not fall within the commonly understood meaning of, "spreadsheets." StatTrak itself makes this quite clear. Figures 221 through 225 display a <u>method of exporting StatTrak statistics to an actual</u> <u>spreadsheet</u>, specifically, Microsoft Excel. (*See,* StatTrak Pocket PC Edition Help Manual, Figs. 221-25, p. 70, 71.) If StatTrak or its components were an actual spreadsheet, there would be no need to describe a method for exporting the StatTrak data to a spreadsheet. StatTrak and its components, such as the five pitch boxes, merely describe ways of collecting data in tables. As StatTrak's manual makes clear, StatTrak's collected data must be exported to an external spreadsheet for manipulation. This clearly establishes that StatTrak does not comprise a spreadsheet-based system.

In view of the above, Applicant respectfully submits that claims 1, 13, and dependencies are in condition for allowance and respectfully requests that their rejection be withdrawn.

Claims 7, 16, and Dependencies

Regarding claims 7, 16, and dependencies, (1) Applicant respectfully traverses the rejection because the cited interface is not a spreadsheet, and (2) amendments to the base claims have rendered the rejection moot.

The interface of Figures 28-29 is not a spreadsheet.

The Office Action states, "the interface of Figures 28-29 is clearly a spreadsheet, thus the claimed 'spreadsheet-based cell' is the referenced cell ... " Applicant respectfully disagrees.

The lineup table described in Figures 28-29 is not a spreadsheet. StatTrak's own language clearly indicates that spreadsheets were known to the author and that the interface is not a spreadsheet. StatTrak's author shows knowledge of spreadsheets by disclosing how the information contained in data tables may imported into and manipulated in Excel or other spreadsheets. (StatTrak Manual, Figs. 221-25, p. 70,71.) StatTrak uses the terms "information boxes," "at bat boxes," and "scoring" boxes to describe the elements of the Lineup table described in Figures 28-46. (StatTrak Manual, "The Lineup," Heading 4.1, p. 3). However, the elements of a spreadsheet are universally known in the art as "cells." StatTrak's use of the term "boxes" instead of "cells," coupled with the author's knowledge of spreadsheets and indication that the information in its tables may be imported into actual spreadsheets, shows unequivocally that StatTrak's Lineup interface is not a spreadsheet.

Moreover, as per the above discussion, the interface of Figures 28-29 is a table, not a spreadsheet. Figures 28-29 show a group of data boxes arranged in columns and rows; however, this arrangement is not a spreadsheet. StatTrak does not teach that the disclosed data boxes may be referenced by other cells in the table or that the data boxes may contain internal formulae with

the result of the formulae displayed in the boxes, at least one of which would be required for the StatTrak Fig. 28 table to be an actual spreadsheet as understood by one of ordinary skill in the art. Accordingly, the data boxes shown in the lineup table are not spreadsheet-based cells because the interface of Figures 28-29 is not a spreadsheet.

Amendments to claims 7 and 16 render the rejection moot.

Claims 7 and 16 have been amended to include the limitation: "wherein the spreadsheet-based cell is configured to be referenced by other cells of the spreadsheet [that contains the spreadsheet-based cell]." This amendment renders the rejection moot because StatTrak does not teach this limitation.

The information boxes in the StatTrak lineup table are not configured to be referenced by the lineup table itself. (StatTrak Manual, "The Lineup," Heading 4.1, p. 3, Figs. 28-46.) Each information box in the StatTrak lineup table is independent of every other box. The boxes do not -- and are not configured to -- reference each other. Therefore, even if the lineup table were an actual spreadsheet, the boxes of the table are not configured to be referenced by other boxes of the table.
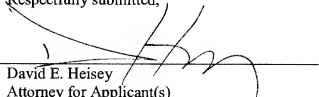
In light of the above discussion Applicant respectfully submits that claims 7, 16, and dependencies are in condition for allowance and respectfully requests withdrawal of the rejection.

Conclusion

Based on the foregoing, favorable reconsideration and allowance of claims 1-18 is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment for any additional required fees (or credit any overpayment) to Deposit Account No. 19-1853 referencing Docket No. 11KP-122959. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: November 12, 2008

Respectfully submitted,

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